

REMARKS

Claims 1-21 and 26 were previously cancelled and claims 22-25 and 27-31 remain in the application for consideration. In view of the following remarks, Applicant traverses the Office's rejections and respectfully requests that the application be forwarded on to issuance.

Examiner Interview

Applicant attempted to arrange an interview with the examiner but was unsuccessful in doing so.

§ 102 Rejections

The Office states in the present action that claims 19-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,212,558 to Antur, et al (hereinafter “Antur”). However, claims 19-21 and 26 were previously cancelled and are not currently presented for examination. Further, the Office has failed to present any arguments in support of these § 102 rejections. Accordingly, Applicant does not address the § 102 rejections herein.

§ 103 Rejections

Claims 22-25 and 27-31 stand rejected under 35 U.S.C. § 103(a) as being obvious over Antur in view of Rozell, et al. (hereinafter “Rozell”).

The § 103 Standard

To establish a *prima facie* case of obviousness, three basic criteria must be met. *First, there must be some suggestion or motivation, either in the references*

1 ***themselves or in the knowledge generally available to one of ordinary skill in the***
2 ***art, to modify the reference or to combine reference teachings.*** *In re Jones*, 958
3 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 5
4 USPQ2d 1596 (Fed. Cir. 1988). Second, there must be a reasonable expectation
5 of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.
6 1986). Finally, the prior art reference (or references when combined) must teach
7 or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580
8 (CCPA 1974). The teaching or suggestion to make the claimed combination and
9 the reasonable expectation of success must both be found in the prior art, not in
10 applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1439 (Fed. Cir.
11 1991).

12 Further, the mere fact that references *can* be combined or modified does not
13 render the resultant combination obvious unless the prior art also suggests the
14 desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed.
15 Cir. 1990). "To support the conclusion that the claimed invention is directed to
16 obvious subject matter, either the references must expressly or impliedly suggest
17 the claimed invention or ***the examiner must present a convincing line of***
18 ***reasoning as to why the artisan would have found the claimed invention to have***
19 ***been obvious in light of the teachings of the references.***" *Ex parte Clapp*, 227
20 USPQ 972, 973 (Bd.Pat. App. & Inter. 1985)(emphasis added). In making out a §
21 103 obviousness rejection, there is a particular emphasis on specificity. See, e.g.,
22 *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)
23 ("particular findings must be made as to the reason the skilled artisan, with no
24 knowledge of the claimed invention, would have selected these components for
25 combination in the manner claimed").

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2 **The Claims**

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4 **Claim 22** recites a system for securing data communication between an
5 internet computer network and an external computer network, comprising:

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- a client located in the internal computer network;
 - a server located in the external computer network and in communication with the client; and
 - an application-level gateway proxy device comprising:
 - components for (1) performing, at a packet level, a network address translation upon a stream of packets originating from the client and (2) filtering, at a stream level, the stream of packets and transmitting the packets to the server, wherein the filtering is transparent to the client; and
 - a communications socket internal to the application-level gateway proxy device and communicatively connected to the components for (1) performing the network address translation and (2) filtering.
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14 In making out the rejection of this claim, the Office argues that its subject
15 matter is obvious over Antur in view of Rozell. Applicant respectfully disagrees
16 and submits that the Office has failed to establish a *prima facie* case of
17 obviousness with respect to this claim.

18 Specifically, the Office's argument fails to provide a sufficient motivation
19 to combine Antur and Rozell. The Office states in its argument that "Rozell et al.
20 set forth the use of sockets as standard and supplies motivating rationale (pages 8-
21 9, section entitled What are Sockets), therefore it would be obvious to combine
22 these references." Office Action at page 3. However, Applicant respectfully
23 submits that this statement fails to provide any motivation at all, much less one
24 that satisfies the § 103 standard discussed above. As explained above, the Office
25 bears the burden of *presenting a convincing line of reasoning* as to why an

1 artisan would have found the claimed embodiment to have been obvious in light of
2 the teachings of the references. In contrast to this standard, the Office herein
3 simply refers Applicant to Rozell and leaves it to the Applicant's imagination to
4 find therein a motivation to combine. This argument is insufficient and fails to
5 carry the Office's burden of providing *specific reasoning* as to why Applicant's
6 embodiment would be obvious in light of the cited references.

7 Accordingly, and at least for this reason, the Office has failed to establish a
8 *prima facie* case of obviousness with respect to this claim and this claim is
9 allowable.

10 **Claim 23** depends from claim 22 and thus is allowable as depending from
11 an allowable base claim. This claim is also allowable for its own recited features
12 which, in combination with those recited in claim 22, are neither disclosed nor
13 suggested by the reference of record.

14 **Claim 24** recites an application-level gateway proxy device, comprising:

- 15 • a component for performing, at a packet level, a network address
16 translation with respect to a stream of packets originating from a
17 client in an internal network, wherein the client is communicating
18 the stream of packets to a server located in an external network;
- 19 • a component for filtering, at a stream level, the stream of packets,
20 wherein the filtering is transparent to the client;
- 21 • a communication socket internal to the application-level gateway
22 proxy device and communicatively connected to:
 - 23 • the component for performing the network address translation; and
 - 24 • the component for filtering; and
 - 25 • a component for transmitting the packets to the server after the
26 packets are filtered.

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28 In rejecting this claim, the Office relies on the § 103 arguments presented
29 for claim 22. However, as discussed above, Applicant submits that the Office has

1 failed to establish a *prima facie* case of obviousness in that it has failed to provide
2 a sufficient motivation to combine Antur and Rozell. Accordingly, and at least for
3 this reason, the Office's *prima facie* case of obviousness fails and this claim is
4 allowable.

5 **Claims 25 and 27-29** depend from claim 24 and thus are allowable as
6 depending from an allowable base claim. These claims are also allowable for their
7 own recited features which, in combination with those recited in claim 24, are
8 neither disclosed nor suggested by the reference of record.

9 **Claim 30** recites a computer-implemented method for communication
10 between a first network and a second network comprising:

- 11 • intercepting, at a first external socket of a proxy network address
12 translation device, a stream of packets;
- 13 • performing, at a first internal component of the proxy network
14 address translation device, a network address translation upon the
15 stream of packets, the network address translation occurring at a
16 packet level;
- 17 • transmitting, from the first internal component of the proxy network
18 address translation device, the translated stream of packets;
- 19 • filtering, at the second internal component of the proxy network
20 address translation device, the translated stream of packets, the
21 filtering occurring at a stream level; and
- 22 • transmitting, from the second external socket of the proxy network
23 address translation device, the translated and filtered stream of
24 packets.

25 The Office argues that the subject matter of this claim is obvious over
26 Antur in view of Rozell. In its rejection, the Office relies on the arguments
27 presented for claims 22-25 and 27-29. However, as discussed above, the Office
28 has failed to establish a sufficient motivation to combine Antur and Rozell and has
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1 thus failed to establish a *prima facie* case of obviousness. Accordingly, and at
2 least for this reason, the Office's argument fails and this claim is allowable.

3 **Claim 31** depends from claim 30 and thus is allowable as depending from
4 an allowable base claim. This claim is also allowable for its own recited features
5 which, in combination with those recited in claim 30, are neither disclosed nor
6 suggested by the reference of record.

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8 **Conclusion**

9 All of the claims are in condition for allowance. Accordingly, Applicant
10 requests a Notice of Allowability be issued forthwith. If the Office's next
11 anticipated action is to be anything other than issuance of a Notice of Allowability,
12 Applicant respectfully requests a telephone call for the purpose of scheduling an
13 interview. If the Office comes back with an Office Action that merely re-
14 articulates its rejection without contacting Applicant, Applicant intends to file an
15 appeal.

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18 Respectfully Submitted,

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20 Dated: 5/30/06

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